

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of SANDRA K. KANKA and U.S. POSTAL SERVICE,
POST OFFICE, Trenton, N.J.

*Docket No. 97-1994; Submitted on the Record;
Issued April 21, 1999*

DECISION and ORDER

Before DAVID S. GERSON, WILLIE T.C. THOMAS,
A. PETER KANJORSKI

The issue is whether appellant has established that she has any permanent impairment of her right upper extremity, causally related to her accepted condition of right rotator cuff syndrome, which would entitle her to a schedule award under 5 U.S.C. § 8101 *et seq.*

The Board has carefully considered the issue in question, the entire case record and appellant's contentions on appeal. The Board finds that the decision of the Office of Workers' Compensation Programs' hearing representative dated February 26, 1997 is in accordance with the facts and the law in this case, and hereby adopts the findings and conclusions of the Office hearing representative.

On appeal, appellant's representative argues that the impartial medical examiner's opinion cannot constitute the weight of the medical opinion evidence as he did not refer to the American Medical Association, *Guides to the Evaluation of Permanent Impairment*, did not provide numerical data derived from his measurements of ranges of motion, and addressed mainly the issue of causal relation and not schedule award entitlement. Appellant's representative further argues that the impartial medical examiner did note objective evidence of impairment in the form of a click and pop in the shoulder and pain with arm movement. The Board, however, notes that the impartial medical examiner resolved the issue of whether appellant had any remaining condition, causally related to her right rotator cuff syndrome or to the arthroscopic surgery, as he found that appellant's present condition was not causally related to her employment. Since appellant's present condition was not related to her employment, any components of that condition, such as pain or a click and pop of the joint upon movement, whether temporary or permanent, would not provide a basis for entitlement to a schedule award under the Federal Employees' Compensation Act. Therefore, the fact that the impartial medical examiner did not refer to the A.M.A., *Guides* and did not provide numerical measurements is irrelevant.

Accordingly, the decision of the Office of Workers' Compensation Programs dated February 26, 1997 is hereby affirmed.

Dated, Washington, D.C.

April 21, 1999

David S. Gerson
Member

Willie T.C. Thomas
Alternate Member

A. Peter Kanjorski
Alternate Member